1952.

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File No. Co-op. II

Legal Department-52 (N)

B **BRANCH**

Subject:— Notifications under the Bombay Co-operative Societies Act, 1925.

P.S. 2

File No. Co-operative II/52(N)

Gen. 191 c.

447-B

Legal Department.

Under section 16 of the Bombay Cooperative Societies Act, 1925, it is provided that no amendment of the by-laws of a society shall be valid until approved by the resolution of a general meeting and registered under this Act for which purpose a copy of the amendment shall be forwarded to the Registrar. The section does not say that such copy must be sent within the period prescribed by rules. The emphasis is laid on the fact that the amendments shall not be valid until they are registered under the Act by the Registrar. In view of this provision, the provisions of rule 6 in so far as they prescribe the period for forwarding a copy of the amendments can be held to be x of a directory nature and the receipt of a copy of amendments of bye-laws after the expiry of the period of three months would not render invalid the registration of the amendments of bye-laws by the Registrar. The irregularity in not forwarding amendments within three months may be condoned by an executive order.

Id/-J.R.D. 9/4
Additional Secretary to Government.

U.R. to D.D., No. 5386, dated the 10th April 1952.

BKS.
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6/7

Legal Department.

A revised draft Order is sent herewith.

It is not the usual practice to give orders retrospective effect, but it seems inevitable in the present case since it appears that the society has been continuing to make purchases of preference shares during all these years and that practice has to be regularized.

Id/-
5/9
Additional Deputy Secretary to Government.

U.R. to R.D., No. 14634/B, dated the 9th September 1952.

BKS.
3/7/
4c.

Legal Department.

A revised draft notification is sent herewith.

2. Retrospective effect cannot be given to such notification. To get over this difficulty, the date up to which the exemption shall continue is specified, instead of the date from which the exemption is granted. The Development Department should verify before issue whether the date specified is suitable.

3. It appears that the Department has decided that the Bank should not declare a dividend in excess of 4% (instead of 5%) during the exemption period. The revised draft provides accordingly.

Deputy Id/-B.P.D. 13/11
Additional Secretary to Government.

U.R. to D.D., No. 18964/B, dated the 14th Nov., 1952.

BKS. 3/7/ 4c.